

PROTECTED RIVER CORRIDORS**An Ordinance to Protect the Ochlocknee River, Little Ochlocknee River
and the Aucilla River within Thomas, Georgia****I. Purpose**

River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia in that they help preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb flood waters.

The Ochlocknee River, Little Ochlocknee River, and the Aucilla River has been designated as protected rivers by the State of Georgia. The purpose of this ordinance is to establish measures to guide future growth and development in the areas adjacent to the Ochlocknee River, Little Ochlocknee River, and the Aucilla River as defined herein.

II. Definitions

- A. Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. (Note: This is same definition as used in the Georgia Hazardous Waste Management Act.)
- B. Land disturbing activity means any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.
- C. Natural vegetative buffer or buffer area means a river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "the Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.
- D. Perennial river means a river or section of a river that flows continuously throughout the year.
- E. Protected river means any perennial river or watercourse with an average annual flow of at least 400-cubic feet per second as determined by appropriate U.S. Geological Survey documents.
- F. Public utility or utilities means a service or services provided by a public utility company or a private entity which provides such service or services and all equipment and structures necessary to provide such services.
- G. River bank means the rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.
- H. River corridor means all the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas

of a protected river and being within 150 feet horizontally on both sides of the river as measured from the river banks.

The 150-foot buffer shall be measured horizontally from the uppermost part of the river banks, usually marked by a break in slope. Although not within the measured 150-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by the local governments in the same manner as the river corridor and shall be included within the River Corridor Protection Boundaries.

Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the Thomas County Comprehensive Plan. Any shift in the location of the protected river after the review period will be shown by revision of the boundaries of the river corridor at the time of the next Comprehensive Plan review by the Department of Community Affairs.

- I. Sensitive natural area means any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:
 - 1. habitat, including nesting sites, occupied by rare or endangered species;
 - 2. rare or exemplary natural communities;
 - 3. significant landforms, hydroforms, or geological features; or
 - 4. other areas so designated by the Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.
- J. Single-family dwelling means a dwelling structure that is designed for the use of one family.

III. Establishment of the Ochlocknee River, Little Ochlocknee River and the Aucilla River Corridor Protection Boundaries

The Ochlocknee River, Little Ochlocknee River, and the Aucilla River Corridor Protection Boundaries is hereby designated and shall comprise all land, inclusive of islands, in areas of the Ochlocknee River, Little Ochlocknee River, and the Aucilla River within Thomas County and being within 150-feet horizontally on both sides of the river as measured from the river banks. Also included is the area between the top of the bank and the edge of the river although this strip of land is not included as part of the 150-foot buffer requirement contained in the minimum standards. This district shall be further defined and delineated on the Ochlocknee River, Little Ochlocknee River, and the Aucilla River Corridor Protection District Map. The Map is hereby incorporated into and made a part of this ordinance by reference.

IV. Protection Criteria

- A. Construction within the buffer area is prohibited except as provided herein.
- B. A natural vegetative buffer shall be maintained at all times in the river corridor, except as otherwise provided herein.
- C. The natural vegetative buffer shall be restored as quickly as possible following any land disturbing activity.
- D. Septic tank and septic tank drainfields are prohibited in the river corridor.
- E. Single family dwellings including the usual appurtenances are permitted in the buffer area subject to the following conditions:
 - 1. The dwelling shall be in compliance with all local zoning regulations.

2. The dwelling shall be located on a tract of land containing at least two acres. For the purposes of these standards, the size of the tract of the land shall not include any area that lies within the protected river, (that is, for tracts of land that include portions of a protected river, the area between the river banks can not be counted towards the two acre minimum size).
 3. There shall be only one such dwelling on each two-acre or larger tract of land.
 4. A septic tank or tanks serving such a dwelling shall not be located within the buffer area.
 5. Septic tank drainfields shall not be located within the buffer area.
- F. Industrial and commercial land uses existing in the river corridor prior to the promulgation of this ordinance are exempt from the criteria contained herein, provided that:
1. These uses do not impair the drinking quality of the river water.
 2. These uses meet all state and federal environmental rules and regulations.
- G. The construction of road crossings and utility crossings is permitted in the river corridor, provided such construction meets all requirements of the Erosion and Sedimentation Control Act of 1975, and all applicable local ordinances on soil erosion and sedimentation control.
- H. The following uses are permitted in the river corridor, provided that such uses do not impair the long-term functions of the protected river or the river corridor:
1. Timber production and harvesting, subject to the following conditions:
 - (a) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
 - (b) Forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
 2. Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2-8.
 3. Waste-water treatment.
 4. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard-surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.
 5. Natural water quality treatment or purification.
 6. Agricultural production and management, subject to the following conditions:
 - (a) Agricultural activity shall be consistent with best management practices established by the Georgia Soil And Water Conservation Commission;
 - (b) Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended; and
 - (c) Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
 7. Other uses permitted by the Department of Natural Resources or under Section 404 of the Clean Water Act.
 8. Handling areas for the receiving and storage of hazardous waste are prohibited within the river corridor.
- I. Hazardous waste or solid waste landfills are prohibited within the river corridor.

- J. The standards and requirements in this ordinance do not supercede those contained in the Metropolitan River Protection Act, the Coastal Marshlands Protection Act, and the Erosion and Sedimentation Act.

V. Exemptions

The following uses are exempted from the river corridor protection plan.

- A. Land uses existing prior to the promulgation of the Thomas County protected river corridor protection district. For the purposes of this ordinance a pre-existing use is defined as any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of this ordinance falls within one of the following categories. (See Section IV.F. for additional regulations governing pre-existing industrial and commercial uses.)
 - 1. is completed;
 - 2. is under construction;
 - 3. is fully approved by the governing authority;
 - 4. all materials have been submitted for approval by the governing authority; or
 - 5. is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
- B. Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
- C. Utilities, (except as discussed above in Section IV.G.) if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
 - 1. The utilities shall be located as far from the river bank as reasonably possible;
 - 2. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - 3. Utilities shall not impair the drinking quality of the river water.
- D. Specific forestry and agricultural activities except as discussed above in Sections IV.H.1 and IV.H.6. above.

VI. Administration and Enforcement Procedures

- A. **Site Plans.** Application for a local development permit within the Ochlocknee River, Little Ochlocknee River, and the Aucilla River shall include a site plan, drawn at a scale of 1" = 50', with the following information:
 - a. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
 - b. A map of any U.S. Geological survey and generalized wetlands map boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
 - c. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
 - d. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

- e. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.
- f. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- g. All proposed temporary disruptions or diversions of local hydrology.

B. Activities to Comply with Site Plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Director of Planning or designated appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

C. Exemptions to Site Plan Requirements. The following activities and developments are exempt from the requirement for detailed site plans.

- 1. Single family detached homes constructed within a subdivision of fewer than three (3) parcels.
- 2. Repairs to a facility that is part of a previously approved and permitted development.
- 3. Construction of minor structures, such as sheds or additions to single family residences. Encroachment into the buffer shall not be allowed.
- 4. Decks, viewing structures, walks, and trails are allowed.

D. Review Procedures. The application shall be made to the Zoning Administrator or designated appointee and will be reviewed within 30 days. At the time of the application, the applicant shall pay a filing fee as specified by Thomas County. Filing fees are \$50.00 are required to evaluate the application. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the Zoning Administrator or designated appointee. The applicant will receive written notification of the findings of the Zoning Administrator or designated appointee. Decisions of the Zoning Administrator or designated appointee may be appealed to the County Commission.

E. Duration of Permit Validity.

- 1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
- 2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
- 3. Written notice of pending expiration of the development permit shall be issued by the Zoning Administrator or designated appointee.

F. Penalties.

- a. When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure at the discretion of the Director of License and Permits and/or the Director of Planning.
- b. When removal of vegetative cover, excavation, or fill has taken place in violation of this section, the violator may be required to restore the affected land to its original

contours and to restore vegetation, as far as practicable, at the discretion of the Director of Planning

- c. If the Director of Planning discovers a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the Board of Commissioners shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

G. Suspension, Revocation. The Director of Planning or designated appointee may suspend or revoke a permit if he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

H. Judicial Review.

- a. Jurisdiction. All final decisions of the County Commission concerning denial, approval or conditional approval of a permit shall be reviewable in the Thomas County Superior Court.
- b. Alternative Actions. Based on these proceedings and the decision of the Thomas County Superior Court, the County Commission or its designee may, within the time specified by the court, elect to:
 1. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the Board of Commissioners.

I. Amendments. These regulations and the U.S. Geological survey and generalized wetlands map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

J. Relief Assessment. Assessors and boards of assessors shall consider requirements of these regulations in determining the fair market value of land.

K. Separability and Abrogation. All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph, or part of this ordinance.

All ordinances or regulations pertaining to River Corridors Protection are hereby repealed.

This ordinance of Thomas County, Georgia shall take affect and shall be enforced from and after the date of adoption, the public welfare demanding it.

Adopted and approved this 9th day of June, 2009.